

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Roman De Lion

Plaintiff(s),

V.

CRRC Sifang America, Inc.

Defendant(s).

Case Number:

22cV70

JUDGE NORGLE

MAGISTRATE JUDGE COLE

RECEIVED
1/5/2022 SH

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Roman De Lion of the
county of Cook in the state of Illinois.
3. The defendant is CRRC Sifang America, Inc., whose
street address is 13535 Torrence Ave,
(city) Chicago (county) Cook (state) IL (ZIP) 60633
(Defendant's telephone number) (630) – 601-6200
4. The plaintiff sought employment or was employed by the defendant at (street address)
13535 Torrence Ave. (city) Chicago
(county) Cook (state) Illinois (ZIP code) 60633

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) March, (day) 1st, (year) 2019.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ *has* ☐ *has not* filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) December (day) 22 (year) 2020.
- (ii) ☒ the Illinois Department of Human Rights, on or about (month) December (day) 22 (year) 2020.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) October (day) 7 (year) 2021 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): WRONGFUL TERMINATION

13. The facts supporting the plaintiff's claim of discrimination are as follows:

~~I worked for CRRC Sifang in a variety of positions but was working as a Mechanical Team Lead at the time of my unlawful termination. Throughout my tenure, My work environment was hostile and i was subjected to severe and pervasive harassment. As a result, I began to suffer from anxiety and depression. I raised my concerns about my hostile work environment with management and Human Resources, but nothing was done to remedy the situation. Around June 2020 I utilized my two weeks of leave under the Families First Coronavirus Reaponse Act. Upon my return to work I was subjected to an ever more hostile work environment and harrassed by my supervisor, Nikia Bunch. In mid-September 2020 I again requested leave through CRRC.s Absence Pro service in which i was advised that my leave was approved as of September 14, 2020 for a period of 10 weeks. However due to my disability that i filed and was approved for and request for protected leave mere weeks later, while on leave, CRRC raised false allegations against me and i was terminated. Full timeline of events are attached~~

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff **[check only those that apply]**

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

- _____
- _____
- _____
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.



(Plaintiff's signature)

Roman De Lion

(Plaintiff's name)

13450 S. Mackinaw Ave.

(Plaintiff's street address)

(City) Chicago (State) Illinois (ZIP) 60633

(Plaintiff's telephone number) (773) – 469-5758

Date: 01/05/2022

On Thursday 5/16 I approached my supervisor to make her aware of a situation regarding the team lead (rios) and his inability to perform his duty. I expressed my frustration about our Chinese trainers treating me as the team lead and when I explained to them I am not the lead and that they need to speak to rios that they said they come to me because I am the best and most professional.

Nikki then said she will be back as she needed to find someone from the quality department for another issue. The day came to an end and nikki never came back to finish our conversation but instead came to me and another employee that were standing outside the train car to ask why are we not working. At that point I explained that we were all told just to vacuum out the train and go to break, there was only two vacuums and seven employees at that time in the train car. A few minutes later nikki told me to remove foam wrapping off of the front of the rail car. I proceeded to remove the wrapping from the car as I was on the platform, there was one piece that I couldn't reach from atop the platform and at that time another employee (adalberto) was walking by so I asked if he can reach the piece for me, as he was grabbing the piece nikki stopped him and said she told me to do it and leave it alone that she will find something else for him to do. I then came down off the platform and removed the piece which literally took 2 seconds.

That night I messaged my manager Brian to ask for a meeting the next day and he said ok. The following day Friday 5/17 Brian explained he had a few meetings and would call me in after. Before he was able to see me nikki called me in the lunchroom and asked what is the problem, I then replied that I explained to her the day before and she never did anything about it. She then proceeded to say she misunderstood me and took it as I was putting my team down to make myself look better and then said I need to show her I work that in China I wasn't participating which was false, I explained to nikki I let everyone else go first that never did the procedures before and I went at the end every time.

Nikki then replied that management said that I wasn't working and just standing around which again was false, I then asked which management and if anyone seen me standing around they should ask me what I am doing and there is a reason for whatever I do.

On 5/22 I contacted HR to ask who do I talk to about being harrassed by nikki which Mary replied speak to Brian or Mr Yu.

On 5/22 nikkia was texting my personal number after 9pm which I told her not to text after 7pm.

On 5/28 Rios came to me first thing in the morning and said my task was to sweep all day which I replied ok and I grabbed a broom and started sweeping, all the coworkers were asking why I was sweeping all day and I said that is what my team lead assigned me.

On Wednesday 5/29 my team was tasked with applying cardboard and plywood flooring back on the train after it was inspected by cta. We then proceeded with applying the cardboard and then started to tape them together, at that time the Chinese trainers called me over and asked if cta said it was ok to cover the flooring which I replied yes, at that moment nikki walked in and asked why am I not helping my team and I replied that I was asked a question about what we were doing and then told the trainer I have to get back to work. About 20 minutes passed and I was organizing the plywood pieces that were numbered so we can put them in the railcar. A few numbers were missing so we started from the opposite side of the train and worked in reverse, 6 people were in the train and they would come out to get the next section to lay down which I was organizing, at that time nikki asked what am I doing. I explained the process of what I was doing and she said no I want you to start on the other side too, I

then explained we could not start the otherside because numbers 1,2 and 3 were missing from the pile, she then asked what do you mean missing and I replied gone, not here, missing. Nikki then proceeded to tell me to go inside the train with the rest of the people and I explained that I am getting the parts together and giving it to the people inside and she said I want you in the train with your team. At that point I got heated and said why are you fucking with me?

She then said she is telling me to do something and if I wanted to go to the office, I explained yes that I want union representation and she said not to tell at her. I said I am not yelling and she said she felt threatened and I said so do I they way she is talking to me, I then said I need to take a walk(so I can de escalate the issue) and she said ok, I then walked away and continued organizing the floor covering, at that point nikki said I thought you were walking away and I explained I did and I have to Work the told her what does she want from me and she said go in the train and I told he she needs to leave me alone and stop talking to me, she kept talking and i said quit talking to me and still she kept going edging me on so i said and you still keep talking and i walked inside the train and then people were waiting for the next piece of floor covering and she had someone else start doing what i was doing and i was left just standing in the train with nothing to do but watch.

I then seen Brian and explained the situation and told him she is messing with me that i was in the middle of working and he said he will talk to her and figure everything out.

On 5/29 I informed my business representative of the situation.

On 5/30 i was working and no confrontations happened i actually tried to talk to nikki to help as she was trying to talk to the Chinese to explain what duct tape was, she ignored me and didn't acknowledge me so I walk away and continued my assignment then after break Brian calls me in the office and i was told I was **suspended pending investigation for insubordination**.

On 6/13 i returned to work only to be told i was **found guilty of everything nikki claimed i said so 9 days off without pay** was time served and i then was transferred to the exterior equipment team. I told my business representative that I wanted to fight the results but he said just keep my mouth shut that the company likes my work ethic so i did.

On 9/5/19 I was called into the office by production manager at the time Brian as well as nikkia to be told that **I was getting promoted to team lead of interior equipment** (the original team of mine). Nikki was mad the entire time because she didn't want me promoted but the decision was vice president Mr Yu and President Mr Liu. Everything was looking ok and I even approached nikki to clear the air in turn she admitted she went too far and apologized.

End of October I was having issues with one of my team members Sandra who was not performing her duties efficiently and was leaving documents and tools out at the end of each day after repeatedly being told that tools and documents need to be put away daily. I would constantly tell nikkia to write Sandra up but she would not because she known her 20+ years, then **first week of November Sandra went to HR and said I was discriminating against her for being a black woman**. I was called to HR to meet with Mary and Sandra to discuss all the issues and I explained that the trainers would not want to work with her because they say she walks away and then just stands around doing nothing. I agreed to give Sandra a month back with her foreman and catered to her and had to give her an explanation of why I gave her a certain task for the day and so forth. A month went by and Sandra was still confrontational so we went

back to HR and they felt I did everything I was supposed to and she was just not going to workout on my team so they moved her to the cab department.

On 12/4 nikkia approached me saying I had to do install as well as my team lead duties, I then asked if there was a issue with my teams performance and she replied no not at all I just want you to do install as well. I then proceeded to ask why change things around if my team was the top team completing everything and her response was because she wanted to.

On 12/6 Mr yu approached me saying nikkia said I didn't want to do my job which I then explained that there is not enough time in the day for me to do install work and still do all my team lead duties in which he just laughed and said nikki was just complaining and walked away.

On 12/9/19 I messaged mr yu proof I do my job and he agreed.

On 12/10 nikkia was telling me to do tasks that are under the supervisor scope which I replied that it is a supervisors job to do said tasks and I asked to get a copy of my job description as well as assembly worker, supervisor and foreman so everyone will know who is responsible for what task and stop coming to me for everything in which she replied No.

On 12/13 I asked nikkia to fill out the form to get some of my new team members tools which she can only do and she replied no I don't have time for that. I then proceeded to bring it up in our team lead meeting with Mr yu. Nikkia just replied that its alot to write down so I told Mr yu that I will do it if I can so my team can get the tools to work. He then said ok. I also asked Lucy who was Mr yus assistant about getting a copy of job descriptions in which she said ok.

On 12/16 I was given the job description for team lead and I posted it on my cabinet at work along with rules, a calendar and quality department personnel.

On 12/24 nikkia came to me and was acting real nice and even gave me Christmas cookies then she said Mr yu wanted to see me, I was in the office with Mr yu and Carmen the new assistant and they asked if I knew why I was here and I said no. They then told me that **nikkia was claiming sexual harassment and that I will be under investigation** and that ernest (electrical supervisor at the time) would be my teams supervisor from now on.

Nikkia was on leave on and off since 12/24/19.

On 1/14/20 nikkia was being confrontational with Ernest because she felt I was telling Ernest what to say to her which was false.

On 1/27/20 I emailed HR proof nikkia violated the NDA by posting video of the water test area on her social media which i got no response.

On 1/29 I had a meeting with the president Mr Liu and showed him the video which in turn they did nothing to her.

On 2/10/20

Nikki is back now and first day she was trying to take one of my guys off my team. I talked to mr yu about it and he said he never said take anyone off my team. i told him I'm not going to tolerate her

games. He said let's wait and see what the report says. Every day that she has been back she is trying to disrupt my team.

On 2/11 nikkia tells marques the same thing at the end of the day that he is not on my team.

On 2/12 I'm not even at work and nikki and ernest get into it because she says my team took too long at the morning meeting and told mr yu. Ernest and nikki exchanged words and she kept bringing my name into it. Ernest said he told her she has an obsession with me and everything is Roman roman roman.

On 2/13 I asked my business representative about going after nikkia for harassment which he replied that he will look into it.

On 3/18/20 i informed my business representative that I was feeling stressed out with the whole corona virus and nikkia as well.

On 3/20/20 end of the day, ernest calls me in the office to see the results of my investigation. I seen discrepancies and I wasn't able to get a hold of my business representative and ernest told me to just sign it now and talk it over with the business representative that its not valid until the representative signs it so I did. After work I got into contact with my representative and he said that he didn't sign it yet and that he is working on the government shutdown and we will go over it later which we did not.

On 3/22/20 930pm employees received a letter about corona virus and procedures, everyone was freaking out so on 3/23/20 first thing in the morning our representative was going to meet us to answer questions about the letter because some employees didn't want to work during this pandemic because of family members. I informed ernest that everyone was waiting to here from our representative before starting work in which he replied that it is a wildcat strike and he can fire everyone. The business representative showed up 3 minutes later and held a meeting with everyone to discuss the issues. Ernest told mr yu and Mr Liu that I was the one starting everything which was not true and Mr yu came up to me and said I started it and I had a talk with Mr Liu that day as well to explain the situation that everyone was just scared and it was only a few minutes until our rep came, plus my team had no tasks for the day anyway they were just organizing and trying to stay busy after. We still had our meetings and everyone was sitting next to each other not obiding by the 6' separation.

On 3/24 I informed management that I will be taking 2 weeks under espla because my son is online school. After the two weeks we were on a furlough until 6/15/20.

On 6/15 I found out various maintenance and Chinese staff are working without having their covid test results back from symptoms they had.

On 6/20/20 i was talking to HR about EAP due to work issues(nikkia). I spoke with someone from EAP and was informed that it was just a 3 session service so I decided to just get my own counselor through my insurance.

On 6/25/20 employees were loading a train on the truck and they were not moving at the time and I needed to get past them to get materials so I asked the maintenance guy Miguel if it was ok to go through which he replied yes go ahead, after nikkia went running over to ernest to tell him I walked through when I wasn't supposed to and didn't ask anyone which was false, I then reported the issue to my representative.

On 7/8/20 I started my counseling which in turn I was told that what nikkia is doing is bullying and harassment and I should get a lawyer.

On 7/10/20 I was offered the mechanical supervisor position but I turned it down because it was non union and way less pay.

On 7/13/20 an employee Adrian from exterior tested positive and my entire team got tested because they were close to him, I was off on 7/13 and the testing site was closed on 7/14 so I went on 7/15. After talking to Ernest on 7/15 about my covid status I was informed another employee didn't want to get tested but yet he was partners with Adrian, I then proved that he was in close proximity so they made him get tested.

On 8/12 people were asked if they wanted to volunteer to be laid off because work was slow.

On 8/17 I seen doctor Guerrero who diagnosed me with anxiety and depression and I was given medication. His advice was I need to leave that job because of the stress.

On 8/26 nikkia started messing with my team again, this time Taylor was told that she had her phone on her and that she can't have it on the shop floor which in turn I told Cesar who is now my new supervisor because Ernest became production manager that why is she picking on my team when Javinn was sitting at the desk on his phone in front of everyone and also never wears a mask correct and she didn't tell him anything. Plus its discrimination because only leads can have phones plus the Chinese workers not the rest of the American workers. I was then told from Cesar that Ernest seen the phone in her back pocket and told Nikkoa to say something which is highly unlikely considering the situation.

On 8/26 nikkia was sitting at the quality desk without her mask and the safety guy was walking by and I stopped him and showed him what I have been telling him about since we came back from furlough and he says that he can't do anything that he doesn't have any power so I took a photo and sent it to Ernest which he replied wow.

On 8/28 they asked people again to volunteer to be laid off and I raised my hand and Ernest said not me lol.

On 8/31 we were told we were on an as needed basis and that they will be putting a schedule together every week and we report to work every Monday to see if we are on the schedule for the week and if not we only work half a day that Monday. People had problems with the way they set the schedule up because they would constantly change it during the week and people that didn't expect to work had to come in if needed. So Cesar told everyone in the group that if the schedule changes during the week that it would be voluntarily if you want to come in.

On 8/31/20 I was approved for FMLA due to my anxiety and depression.

On 9/1/20 at our morning meeting electricians asked questions about why they are not doing commissioning work and its only Chinese. After Ernest said its not their scope anymore he asked if there was anymore questions about commissioning in which I replied I have a question. I was trying to ask who lets me know when a part goes bad that my team installs that we have to change and I couldn't even finish my sentence when Ernest replies thats not what he is talking about that he is talking about commissioning and I explained yes I am talking about commissioning and I tried to ask the question again and he cut me off for the second time saying thats not what he is talking about so I said I should

just take my 12 week emflea which he said go ahead go talk to Mary she will be here today so I said ok I will. I reached out to Mary to talk about going after nikkia as well as what ernest just did but when I get there she tells me ceaser and ernest said I'm picking on nikki by taking her photo with no mask and went on to say I am starting problems at the company and I said I don't like the Chinese and their work ethic sucks and they should leave already in which Mary said that it does not sound like me at all. She knows that all the Chinese workers respect me as I did them. Mary then told me just to email or wechat ceaser and ernest so they can't switch my words around. She told me just don't let it bother me and just go to work.

On 9/10 exterior asked me to contact our representative because nikki told them that they had mandatory overtime on 9/12&9/13 and union knows so when I contacted our representative he said nothing was ever said about mandatory ot just the schedule for the week. We are 2 different groups which one nikki is in charge of and one ceaser is in charge of so we don't get the same messages as far as work goes.

On 9/12 I filed for my 12 weeks under emflea and when I spoke with absence pro they informed me that it takes at least 5 days to process after they receive paperwork but that I can stay off work on the days I requested which was starting 9/14/20. I informed management in writing that I will be on leave starting 9/14 and as I was walking out with all my stuff ceaser came up to me and Patrick and asked if we were coming in Saturday and possibly Sunday, in which I replied I dont know man depends how drunk I get and we all stated laughing and I said we will see because our team was going to the bar because it was my last day for 3 months, he never said it was mandatory otherwise I would have started emflea on 9/12 but it was an off day so I put 9/14. I did not show up to work on 9/12 but I wasn't the only one and ceaser called people on 9/12 to work 9/13 in which I never received a call to be offered work.

On 9/13/20 I sent Mary pictures of others not wearing their masks to prove i wasn't singling out nikkia.

On 9/15 I received a email stating I had to return to work until my leave was approved or else I would be terminated. I informed my business representative of what happened and that the company did not do the same procedure to various others on the same leave but he said just to go back until I get the approval. I returned to work 9/16/20 until I got my approval letter on 9/18 which I again informed management of my leave. Not once out of those 3 days I was there did they mention anything about the weekend that I wasn't there. On 9/25 I didn't receive my retro pay starting from 9/14 and I was told the first two weeks were unpaid which was not true. I tried to ask for a conference call with HR and absence pro but I was told by HR no. I then contacted my business representative and told him I wanted to file a grievance for not being asked to work on 9/13 which the business representative said that since i didn't come in on 9/12 they weren't going to let me work 9/13 which is unfair because ceaser called rob lange to ask him to come in on 9/13 and he was off on 9/12 too.

On 10/5/20 my business representative called me saying crrc is terminating me for not showing up on 9/12 saying I knew it was mandatory and that I said i was coming in and since I didn't come in they said it was a no call no show and I was on last chance so immediate termination. They said that since I signed the paperwork and the company signed it that it was valid without my business representative signature.

On 11/23/20 I received a letter from unemployment saying that crrc said I was unavailable to work and stopped my unemployment so now I'm just waiting on unemployment to call so I can fix it.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☒ FEPA
☒ EEOC

440-2021-01468

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Home Phone (Incl. Area Code)

Date of Birth

Mr. Roman Delion

(773) 469-5758

02/13/1977

Street Address

City, State and ZIP Code

13450 S Mackinaw Ave., Chicago, IL 60633

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

No. Employees, Members

Phone No. (Include Area Code)

CRRC Sifang America, Inc.

15+

(630) 601-6200

Street Address

City, State and ZIP Code

13535 Torrence Ave, Chicago, IL 60633

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

03/01/2019 10/07/2020

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Statement of Harm: CRRC Sifang America, Inc. ("CRRC") discriminated against me due to my disability (anxiety and depression) and my race/national origin (Hispanic).

From the beginning of my employment I was targeted by my supervisor Nikia Bunch (African American). Due to my race/national origin Ms. Bunch would report to management that I was not doing my job and "just standing around" both of which were untrue. Ms. Bunch's allegations were so outlandish that I complained to Mary Ma in Human Resources who told me to contact Mr. Yu, the owner or Brian Vazquez. I did and nothing was done.

In retaliation I was given menial tasks such as sweeping the floors. Ms. Bunch kept harassing me and questioning my every move. I again reported the harassment and targeting to my business representative but again nothing was done.

Continued on Page 2

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

12/22/2020



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

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Charge Presented to:

Agency(ies) Charge No(s).

☒ FEPA☒ EEOC

440-2021-01468

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Continued from Page 1

Soon after in retaliation Ms. Bunch accused me of insubordination (I was not insubordinate) and I was suspended for 9 days without pay. Following my suspension I returned to work and the environment remained hostile.

A few months later I attempted to discipline a subordinate, who is an African American female (and friends with Ms. Bunch). In retaliation my female subordinate reported me to Human Resources. After that to further target Ms. Ms. Bunch gave me additional tasks such as doing installation. I again escalated my concerns to Mr. Yu who tried to appease me and told me I was doing a good job and not to worry. However, nothing was done to stop the harassment and hostile work environment and Ms. Bunch continued to yell at me and harass me. Ms. Bunch did not treat non-disabled non-African American employees in this manner.

When Ms. Bunch could not terminate me despite all of the above described efforts she then levied false accusations of sexual harassment against me. Ms. Bunch then started removing key team members from my team to try to set me up for failure and eventual termination. I reported this to Mr. Yu but nothing was done.

Soon after in March 2020 I was furloughed due to Covid-19. I returned to work in June 2020 only to face the same severe and pervasive hostile work environment. The hostile work environment I experienced at CRRC caused me to suffer from anxiety and depression. I spoke with CRRC's Employee Assistance Program and began counseling.

I also reported concerns multiple times of employees not following proper safety measures such as wearing masks due to Covid-19 but nothing was done.

In August 2020 I was diagnosed with my disabilities. At such time Ms. Bunch increased her targeting of me and harassing me. I applied for and was approved for FMLA due to my disabilities. In mid-September 2020 I again requested medical leave through CRRC "Absence Pro" service. I was advised that my leave was approved as of September 14, 2020 for a period of approximately ten (10) weeks. However due to my disability, repeated protected complaints of discrimination and harassment, and my request for protected leave mere weeks later, while on my protected medical leave, CRRC raised false allegations against me and terminated my employment.

Statement of Discrimination: I believe I have been discriminated against because of my race/national origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, my disabilities in violation of Title I of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101 *et seq.* and Illinois Human Rights Act, 775 ILCS 5/1-101, *et seq.*

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

12/22/2020

Date



Charging Party Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Roman Delion**
c/o Lisa Shelby, Attorney
SPIELBERGER LAW GROUP, LLC
4890 W. Kennedy Blvd. Ste. 950 |
Tampa, FL 33609

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2021-01468

Kara Mitchell,
Investigator

(312) 872-9702

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/eh

10/7/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc:

CRRC Sifang, America, Inc.
c/o Jill B. Lubetsky, Attorney
Michael Best & Friedrich LLP
444 W LAKE ST, STE 3200
Chicago, IL 60606

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.


“Regarded as” coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

Note: *Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability.* For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

EEOC Form 5 (11/09)

Received by EEOC-CDO 12/23/2020

| | | | | |
|---|--|--|--|--|
| CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small> | | Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC | | 440-2021-01468 |
| Illinois Department of Human Rights and EEOC <small>State or local Agency, if any</small> | | | | |
| Name (indicate Mr., Ms., Mrs.) Mr. Roman Delion | | Home Phone (Incl. Area Code) (773) 469-5758 | | Date of Birth 02/13/1977 |
| Street Address City, State and ZIP Code 13450 S Mackinaw Ave., Chicago, IL 60633 | | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | | |
| Name CRRC Sifang America, Inc. | | No. Employees, Members 15+ | | Phone No. (Include Area Code) (630) 601-6200 |
| Street Address City, State and ZIP Code 13535 Torrence Ave, Chicago, IL 60633 | | | | |
| Name | | No. Employees, Members | | Phone No. (Include Area Code) |
| Street Address City, State and ZIP Code | | | | |
| DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) | | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 03/01/2019 10/07/2020 <input checked="" type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>Statement of Harm: CRRC Sifang America, Inc. ("CRRC") discriminated against me due to my disability (anxiety and depression) and my race/national origin (Hispanic).</p> <p>From the beginning of my employment I was targeted by my supervisor Nikia Bunch (African American). Due to my race/national origin Ms. Bunch would report to management that I was not doing my job and "just standing around" both of which were untrue. Ms. Bunch's allegations were so outlandish that I complained to Mary Ma in Human Resources who told me to contact Mr. Yu, the owner or Brian Vazquez. I did and nothing was done.</p> <p>In retaliation I was given menial tasks such as sweeping the floors. Ms. Bunch kept harassing me and questioning my every move. I again reported the harassment and targeting to my business representative but again nothing was done.</p> <p><i>Continued on Page 2</i></p> | | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | | NOTARY - When necessary for State and Local Agency Requirements | |
| I declare under penalty of perjury that the above is true and correct. | | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT | |
| 12/22/2020  Date Charging Party Signature | | | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA
☒ EEOC

440-2021-01468

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Continued from Page 1

Soon after in retaliation Ms. Bunch accused me of insubordination (I was not insubordinate) and I was suspended for 9 days without pay. Following my suspension I returned to work and the environment remained hostile.

A few months later I attempted to discipline a subordinate, who is an African American female (and friends with Ms. Bunch). In retaliation my female subordinate reported me to Human Resources. After that to further target Ms. Ms. Bunch gave me additional tasks such as doing installation. I again escalated my concerns to Mr. Yu who tried to appease me and told me I was doing a good job and not to worry. However, nothing was done to stop the harassment and hostile work environment and Ms. Bunch continued to yell at me and harass me. Ms. Bunch did not treat non-disabled non-African American employees in this manner.

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In August 2020 I was diagnosed with my disabilities. At such time Ms. Bunch increased her targeting of me and harassing me. I applied for and was approved for FMLA due to my disabilities. In mid-September 2020 I again requested medical leave through CRRC "Absence Pro" service. I was advised that my leave was approved as of September 14, 2020 for a period of approximately ten (10) weeks. However due to my disability, repeated protected complaints of discrimination and harassment, and my request for protected leave mere weeks later, *while on my protected medical leave*, CRRC raised false allegations against me and terminated my employment.

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I declare under penalty of perjury that the above is true and correct.

12/22/2020

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)